



CofC

09/734002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of :
Motoharu SEIKI et al. : **Mail Stop: CERTIFICATE OF**
Patent No. 6,780,412 02 : **CORRECTION BRANCH**
Issued August 24, 2004 : **DOCKET NO: 2000 - 1617**

NOVEL PROTEIN AND MONOCLONAL
ANTIBODY SPECIFIC THERETO

REQUEST FOR RECONSIDERATION

Certificate
JAN 27 2005
of Correction

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant's representative is in receipt of the Decision dated January 10, 2005 of the Certificate of Correction Branch on the Applicant's Request for a Certificate of Correction.

A copy of the Decision is enclosed. Please note the Decision mistakenly identifies the relevant patent as USP 6,588,578.

The Decision states that the Request or Certificate of Correction is denied because a Petition to Correct Assignee has not been granted.

Submitted herewith is a Decision of the Office of Petitions dated November 8, 2004, on the Applicant's Petition under 37 CFR 1.183. The Decision on Petition indicates that the Applicant's Petition is dismissed as moot, on the basis that a Petition to waive the rule to correct Assignee is no longer necessary effective June 25, 2004.

The Applicant's Request under 37 CFR 3.81 filed November 23, 2004 fully complies with the requirements set forth in the Decision on Petition for issuance of a Certificate of Correction.

Accordingly, reconsideration and issuance of a Certificate of Correction is respectfully solicited.

Respectfully submitted,

Motoharu SEIKI et al.

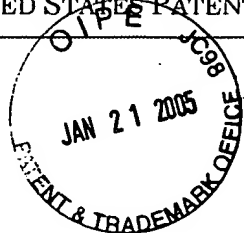
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January 21, 2005

FEB 03 2005



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

January 10, 2005

Patent No. : 6588578 B2
Inventor(s) : SEIKI, MOTOHARU
Issued : August 24, 2004
Title : **NOVEL PROTEIN AND MONOCLONAL ANTIBODY SPECIFIC
THERETO**
Docket No. : 2000-1617

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, is based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a petition, under 37 CFR 1.183, requesting the requirements of 37 CFR 3.81 to be waived, is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp. 1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A petition to correct the Assignee under 37 CFR 1.183 should include:

- A. the petition fee set forth in 37 CFR 1.117(h) (currently \$130);
- B. a request that 37 CFR 3.81(a) be waived to permit the correct name of the assignee to be provided;
- C. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- D. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Petition, Applicant(s) may request that the file is forwarded to Certificates of Correction Branch, for issuance of a Certificates of Correction, if the Petition is granted.

RECEIVED

JAN 11 2005

WENDEROTH, LIND & PONACK

Any petition under 37 CFR 1.183 should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
Mail Stop: Petitions
Alexandria, VA 22313

By Fax: (703) 308-6916
Attn.: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required



Lamonte Newsome
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 305-8309 or (703) 305-5358

WENDEROTH, LIND & PONACK, L.L.P.
Suite 800
2033 "K" Street, N.W.
Washington DC 20006

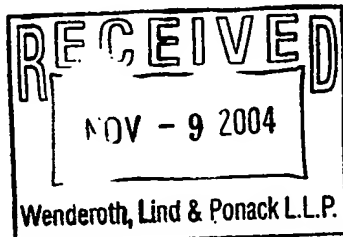
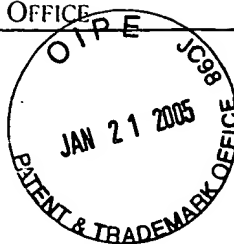
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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Washington DC 20006



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OFFICE OF PETITIONS

In re Patent of
Seiki, et al.
Patent No. 6,780,412
Issue Date: August 24, 2004
Application No. 09/743,002
Filing Date: December 12, 2000
Attorney Docket No. 2000-1617

Decision on Petition

This is a decision on the petition under 37 CFR 1.183, filed September 24, 2004, to waive the rules and accept the correction of the assignee data of the above-identified patent by way of Certificate of Correction. The petition is also being treated as a request under 37 CFR 3.81 to accept the correction of the assignee data.

The petition under 37 CFR 1.183 is **dismissed as moot**.

The request under 37 CFR 3.81 is **dismissed**.

Effective June 25, 2004, 37 CFR 3.81(b) has been revised to no longer require the correction of the assignee data prior to issuance of the patent. Therefore, a petition to waive the rule is unnecessary. 37 CFR 3.81(b) currently states:

Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

In other words, the request under 37 CFR 3.81(b) will be granted when:

- (1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed.

- (2) the assignment was submitted for recordation prior to issuance of the patent, and
- (3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

Petitioner has not met the requirements set forth above because petitioner has not submitted a completed PTO/SB/44 Certificate of Correction form and petitioner has not paid the \$100.00 certificate of correction fee. Therefore, the request is dismissed.

Please find enclosed a blank PTO/SB/44 Certificate of Correction form.

Any further correspondence regarding this matter should be directed to:

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

By FAX: (703) 872-9306 – ATTN: Office of Petitions

The file is being forwarded to Files Repository.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
Petitions Attorney
Office of Petitions

enclosure: blank PTO/SB/44 Certificate of Correction form

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**PATENT NO. 6780412 B2

DATED :

INVENTOR(S) :

It is certified that error appears in the above-identified patent and that said Letters Patent
is hereby corrected as shown below:

MAILING ADDRESS OF SENDER:

PATENT NO. _____

No. of additional copies



This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEB 03 2009

TO: MPD On (note date): 02/03/05 Pat. No. 6780412
Team Leaders Initials
INFO SUPPLIED BY: TPS 09/734002
OAC/LDRC Initials

SECOND REQUEST (DIFFERENT CORRECITONS), SUPERSEDE OR RECONSIDERATION
(OAC OR LDRC, USE A RED PEN FOR COMPLETING INFO, ON THIS COVER SHEET) (11/2002 cbn)

Team Leader, an Office Automation Clerk may assist you by supplying data from CofC Database (Current & History), PALM, and copies from Intranet, to determine type of request (second request, supersede, and/or reconsideration) and to determine if there were any errors made in decisions and/or publishing are attributable. Team Leader, check appropriate boxes below, key record (if necessary) and forward to JCWS, to order file and assign file to an LIE, to EXPEDITE.

Team Leader, DO NOT ORDER FILE.

↓ **MRD** (for request attached to this cover sheet): 01/21 / 2005 (Team Leader have LDRC, stamp same MRD on 1050s.)

S File Charged to (in PALM): _____ **Date Charged to Loc.:** / /

T Information re most recent record in CofC database (Check Current & History)

A MRD: 11 / 23 / 2004 **Examiner (LIE's initials):** LN

P Date Assigned: 01 / 09 / 2005 **Turned In:** 01 / 09 / 2005

L CofC Issued: / / **CofC Denied:** / / **Updated:** Y / N **Date:** / /

E Patent number listed on C of C listing in OG (circle one) Y / N

CofC Issued for this record is attached to patent on Internet (circle one) Y / N

H New/different correction(s) requested. Check Intranet or with RTIS. (circle one) Y / N

E ☐ **Duplicate (same heading and corrections published/issued CofC on Intranet. (circle one) Y / N**

R ☐ **Substitute or corrected request. Locate the original request (check with JCWS and RTIS).**

E ☐ **Second Request (another) requesting new/different corrections or additional corrections.**

↑ ☐ **Status Ltr. and/or Outstanding Request**

TEAM LEADER, DO NOT ORDER FILE. If necessary, call attorney/applicant for assistance in determining if new/different corrections. Team Leader, key new a record on: / / .

Count with CofCs keyed rec'd same week, determine and note if "P", "R", or "RTC".

Mark through any corrections on 1050, that were appropriately published; or JCWS assign to: _____

☐ **Reconsideration** ☐ **Supersede** ☐ **Special CofC** ☐ **Erratum** ☐ **Expedite CofC**

Team Leader, determine if a Request for a Corrected CofC (Supersede) or Reconsideration, due to error in decisions or keying, attributable to (check the appropriate box, below):

☐ **RTIS**
Keying Error

☐ **LIE:** _____
LIE Processing or
Decision Error

☐ **OFFICE**
Error in Entry of Document
or Ex. Decision

☐ **ATTY.**
1.323 Consideration
or Petition Required

If errors are attributable to LIE, use guidelines for appropriately notifying the LIE and recording errors (make copies supporting that the LIE made error, attach copies to this cover sheet, keeping copies for your records, and forward copies to CBN, at the end of each month).

☐ **JW or OL, locate request for CofC published on:** / / **and return to:** _____
(Circle OAC Initials)

☐ **Team Leader keyed record on on:** _____ ☐ **Post card Printed by Tasneem**
(Team Leaders, give all second requests to Tasneem, to print a post card.)

☐ **JCWS, order file, match paper (MRD) _____ and assign or reassign to LIE/to: _____/LIE, see your Team Leader for assistance.**

Comments/ Instructions: _____